



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Twenty-Third Day

Tuesday Afternoon

March 9, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Boy.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird <input type="checkbox"/>	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning <input type="checkbox"/>	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clerc	Moed
Cook	Morris
Davis	Morrison <input type="checkbox"/>
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher <input type="checkbox"/>	Slager
Hatfield	Smaltz <input type="checkbox"/>
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan <input type="checkbox"/>
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 250: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 11, 2021, at 10:30 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 77, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 77 as printed January 13, 2021.)

Committee Vote: Yeas 13, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 81, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 81 as reprinted January 27, 2021.)

Committee Vote: Yeas 13, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 11, begin a new line blocked left and insert:

"desecrates:

- (1) a private or government monument, memorial, statue, or other commemorative property; or
- (2) the state capitol or Indiana government center campus."

(Reference is to SB 187 as printed February 5, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred Senate Bill 370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-11-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. The amendments to section 9 of this chapter made during the 2021 regular session of the general assembly are intended to be a restatement of the law and not a substantive change in the law and as such shall be applied with respect to deposit accounts executed during the applicable time frames set forth in section 9 of this chapter.**"

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 370 as printed February 5, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CARBAUGH, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 80

Representative Torr called down Engrossed Senate Bill 80 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 137

Representative DeVon called down Engrossed Senate Bill 137 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 53, has had the

same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 53 as printed January 13, 2021.)

Committee Vote: Yeas 12, Nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-137, AS AMENDED BY P.L.144-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 137. (a) "Food establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

(b) The term does not include the following:

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization.

Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for an organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization; if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

(7) ~~An individual A home based vendor of a farmer's market or roadside stand if the individual who~~ meets the requirements of IC 16-42-5-29.

(8) The holder of a farm winery permit under IC 7.1-3-12-5 or a brewer's permit under IC 7.1-3-2-7(5) if the requirements of IC 16-42-5-30 are met.

SECTION 2. IC 16-42-5-29, AS AMENDED BY P.L.80-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 29. (a) Except as provided in subsection (h), this section applies to ~~an individual a home based vendor. of a farmers market or roadside stand.~~

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) ~~An individual A home based vendor of a farmers market or roadside stand~~ is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the ~~individual home based vendor's~~ food product **complies with the following:**

(1) Is made, grown, or raised ~~by an individual at the individual's on the home based vendor's~~ primary residence, **including a farm or ranch where the home based vendor resides and** property owned ~~by the individual; or property~~ leased by the ~~individual; home based vendor.~~

(2) Is not a potentially hazardous food product.

(3) Is prepared by an individual who practices proper sanitary procedures, including:

(A) proper hand washing;

(B) sanitation of the container or other packaging in which the food product is contained; and

(C) safe storage of the food product.

(4) Is not resold. ~~and~~

(5) Includes a label that contains the following information:

(A) The name and address of the ~~producer of the food product.~~ **home based vendor.**

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."

(6) Is sold by the home based vendor whether in person or by telephone or Internet.

(7) Is delivered by:

(A) the home based vendor; or

(B) a third party carrier that is not a party to the transaction; to the end consumer.

(d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

(e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation

of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:

(1) standards for best safe food handling practices;

(2) disease control measures; and

(3) standards for potable water sources.

(h) The department shall exclude from the definition of food establishment the sale of products described in subsection (i):

(1) by an individual vendor of a farmers market or roadside stand; and

(2) by a farmer selling directly to the end consumer on the farm where the product is produced and through delivery to the end consumer.

(i) Subsection (h) applies to the distribution of the following products:

(1) Poultry products produced under IC 15-17-5-11. Poultry products sold at a farmers market or roadside stand must be frozen at the point of sale. Poultry products sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.

(2) Rabbits that are slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmers market, and at a roadside stand. Rabbit meat sold at a farmers market or roadside stand must be frozen at the point of sale. Rabbit meat sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.

Subsection (h) does not apply to the distribution of meat from a game animal.

(j) An individual vendor of a farmers market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs.

(k) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer."

Renumber all SECTIONS consecutively.

(Reference is to SB 185 Digest Correction as printed February 9, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "(2)" insert **"pesticide residues in excess of"**.

(Reference is to SB 227 as printed January 13, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AYLESWORTH, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 356 from the Committee on Ways and Means to the Committee on Public Policy.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 187 had been referred to the Committee on Courts and Criminal Code.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heaton, Judy and Olthoff be added as cosponsors of Engrossed Senate Bill 19.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehe be removed as cosponsors of Engrossed Senate Bill 43.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 144.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Young be added as cosponsor of Engrossed Senate Bill 152.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be removed as first sponsor of Engrossed Senate Bill 198 and Representative Young be added as sponsor.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ledbetter be added as cosponsor of Engrossed Senate Bill 201.

YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson and Pack be added as cosponsors of Engrossed Senate Bill 345.

LEHMAN

Motion prevailed.

On the motion of Representative Heaton, the House adjourned at 1:43 p.m., this ninth day of March, 2021, until Thursday, March 11, 2021, at 10:30 a.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives